

Project Summary Sheet

Project Name: Eastside Bypass Mitigation for Lower San Joaquin Clearing and Snagging Project

Tracking No: NA

Location: Lower San Joaquin

County: Merced

Project Summary:

During the 1983-84 El Nino episode, heavy storms and subsequent flooding deposited large amounts of sediment in the Eastside Bypass of the Lower San Joaquin River Levee Project, significantly reducing its carrying capacity. Concerned about the potential for future flooding, the Reclamation Board in the summer of 1984 adopted Resolution 84-11 to remove the sediment under authority of the Lower San Joaquin River and Tributaries Clearing and Snagging Project, which had been authorized by Congress in 1983. In September 1984 the Board signed a local Cooperation Agreement with the U.S. Army Corps of Engineers and in October of the same year, the Corps issued Design Memorandum No. 5 for the removal of approximately 600,000 cubic feet of sediment from the bypass.

Because of the emergency nature of the work, which limited the time available to search for appropriate disposal sites, and the high cost of neighboring agricultural lands, the Board decided that the most expedient and economical way to dispose of the sediment would be to place it on a hydraulically inactive 48- acre site located at the north end of the Eastside Bypass where the Board had reached a verbal agreement with the property owner.

The requirement to prepare environmental documentation under National Environmental Policy Act was waived pursuant to 40 CFR 1506.11. The Board prepared environmental documentation pursuant to the California Environmental Quality Act consisting of a Notice of Exemption. The sediment removal work was completed in February 1985.

The Corps and the Board coordinated the sediment removal project with the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The USFWS prepared a Planning Aid Letter to the Corps, which stated the Service's determination that the sediment removal would not affect natural resources. The USFWS determined, however, that the disposal of the sediment at that location would have an adverse effect on natural resources and proposed mitigation measures, which the Corps adopted. The adopted mitigation measures included acquiring a twelve-acre mitigation corridor adjacent to the remnant Fresno Slough that bisects the disposal area, and fencing the mitigation area to exclude livestock and ensuring that the mitigation area would remain

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in a natural state. The Board had acquired a flowage easement on the Eastside Bypass in 1959 but did not have the right to plant or protect vegetation, to maintain the existing fence or exclude livestock. Since that time, no additional rights have been acquired.

The mitigation property has been sold a number of times to landowners unaware of the verbal agreement. Consequently, the fence has deteriorated and cattle have periodically grazed on the mitigation area. The Board attempted to purchase the property in the mid-90s, however the owner at that time did not have clear title to the property.

Beginning in 1992 and every year since 1995, the USFWS has written to the Board, noting the lack of maintenance of the fence and requesting information on the Board's plans to fulfill its mitigation obligations.

A new landowner recently acquired the site. Staff completed significant preliminary work necessary to acquire the site in June 2002. At this time, the Board does not have available funds to complete the purchase.

In 2005, an alternative mitigation was proposed. To resolve the long-standing obligation, the Board proposed funding the installation and maintenance in fee of a fence along a riparian area of the San Joaquin River in Merced to preclude grazing and enhance wildlife value of property owned by the Refuge. USFWS has indicated their support of this alternative mitigation proposal. The USFWS has already negotiated the fence line with the adjacent private land owner. The adjacent private land owner has agreed to install and maintain the fence, with the exception of maintenance for damages incurred by flood events which will be taken care of by the USFWS.

It has also been negotiated that all maintenance will be deferred, in fee, to the Lower San Joaquin Levee District, thus relieving DWR of any maintenance responsibility.

Total Cost: \$30,000.00

FPCP Cost: \$30,000.00

Funding Partners and Share of Cost: USFWS plans to extend the length of the fence at its expense to protect additional portions of the Refuge. [add language about Lower San Joaquin Levee District involvement, and release of responsibility for long term maintenance.]